

TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1942

No. 559

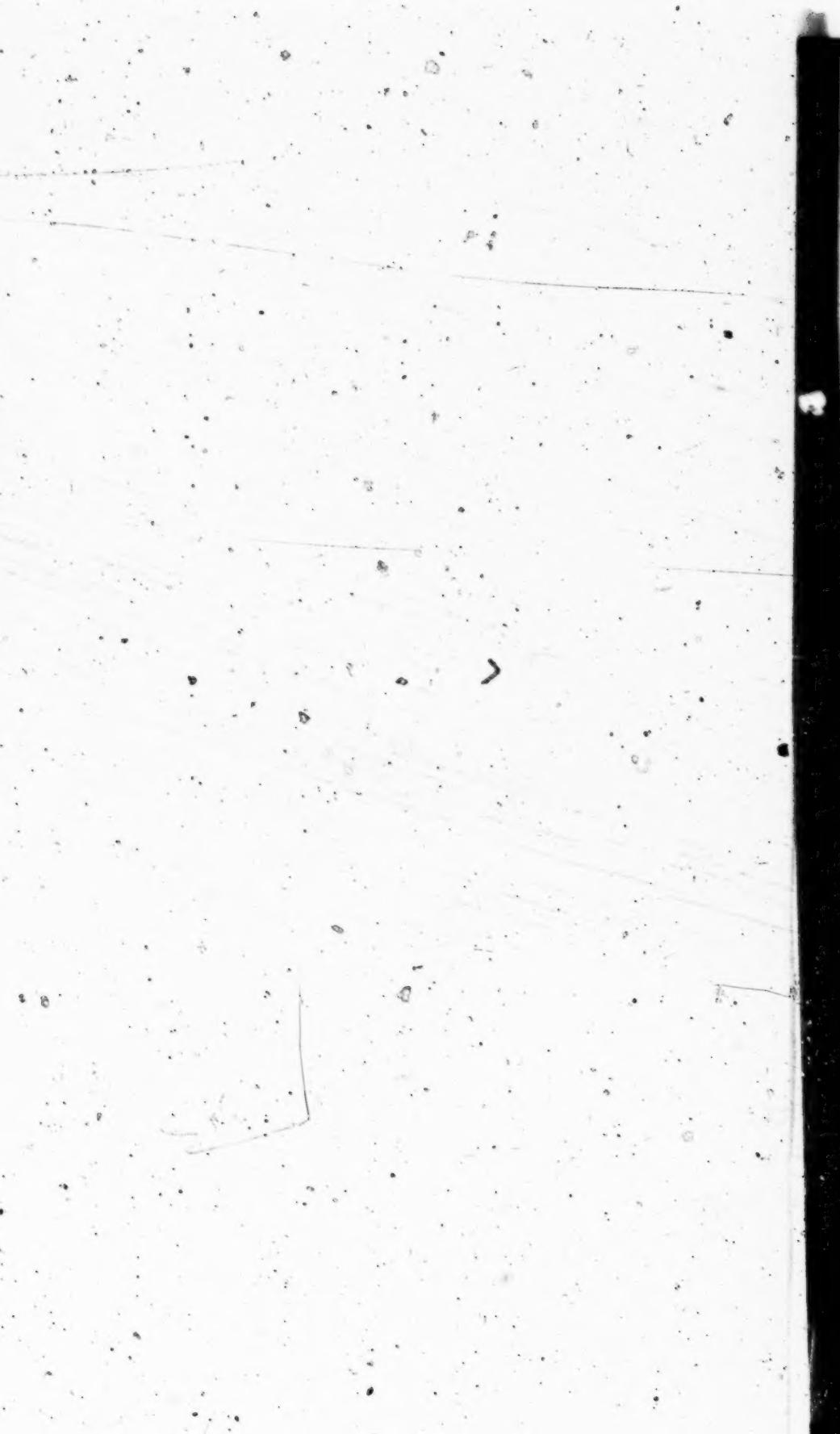
DAISY LARGENT, APPELLANT,

vs.

THE STATE OF TEXAS

APPEAL FROM THE COUNTY COURT OF LAMAR COUNTY, TEXAS

FILED DECEMBER 1, 1942.



SUPREME COURT OF THE UNITED STATES

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No. 559

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vs.

THE STATE OF TEXAS

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[fol. 1]

[Caption omitted]

[fol. 2]

**IN CORPORATION COURT OF CITY OF PARIS,
TEXAS**

COMPLAINT—Filed June 11, 1941

In the Name and by the Authority of the State of Texas:

Before the Undersigned Authority on this day personally appeared Jack Reeves who, being sworn, says, that heretofore on to-wit; Nov. 26th, 1917 the City Council of the City of Paris duly made and passed an Ordinance #612 creating a public emergency requiring that any person, firm or corporation to sell or solicit books, wares, merchandise or any household article whatsoever within the residence district or portion of the City of Paris, without first obtaining a permit from the Mayor.

Said ordinance requiring that the person, firm or corporation must make application and in same shall state the character of the goods, wares or merchandise intended to be sold or the nature of the canvass, the name and address of the party desiring a permit.

That heretofore on, to-wit: June 9th, 1941, one Mrs. Daisey Largent did then and there unlawfully offer for sale books within the residence portion of the City of Paris, Texas, at #120, Brown Ave. St. without having first applied or made application for a permit from the Mayor of the City of Paris, Texas.

On or about the time aforesaid, the said Mrs. Daisey Largent, did unlawfully attempt to solicit for the sale of books from one Mrs. H. J. Baze, at #120, Brown Ave. in the City of Paris, Texas, without first having obtained a permit from the Mayor of said City of Paris, Texas, to solicit and sell books, within the corporate limits of the incorporated City of Paris, Texas, against the Peace and dignity of the State.

Jack Reeves.

Sworn to and subscribed before me by Jack Reeves this 9th day of June, 1941. H. L. Jones, City Attorney in and for City of Paris.

Filed this 8 day of August, 1941. Clyde Humphrey, Clerk, County Court, Lamar County, Texas, by R. G. Coleman, Deputy.

[fol. 2A] IN CORPORATION COURT OF CITY OF PARIS, TEXAS

No. 6536

THE STATE OF TEXAS

vs.

MRS. DAISEY LARGENT

Transcript of Judgment

Trial and Miscellaneous Fees

	Dollars Cts.
Trial Fee	3 00
Swearing Witnesses	40
County Attorney's Fees	5 00
Jury Fee	3 00
Fine	200 00
 Total Costs	 211 40

Complaint Filed the 11 day of June, 1941

Made by Jack Reeves

Against Mrs. Daisey Largent

Charged with Offering for sale Books without permit

Warrant Issued the 9 day of June, 1941

Placed in hands of Constable

Mailed to the Sheriff of — — —

Returned — — — Executed — — — day of —, 19 —

Subpoena Issued the — — — day of —, 19 —

Returned — — — Executed — — — day of —, 19 —

Date July 23, 1941.

This day in open court the case was called for trial and both parties appeared and announced ready for trial, and thereupon a jury of — — and five others was duly selected, impaneled and sworn and the complaint and warrant herein having been read to the defendant in the presence of the jury, he pleaded not guilty herein, and the jury having heard the evidence, returned into Court, in due form, the following verdict:

We the jury find the defendant Mrs. Daisey Largent guilty as charged and assess his punishment at a fine of 200.00 dollars.

Harry I. Miller, Foreman of the Jury.

[fol. 2B] It is therefore considered and adjudged by the Court that the State of Texas do have and recover of the said defendant, Mrs. Daisey Largent the said sum of 200.00 dollars fine, and all costs of this prosecution, and that he remain in the custody of the City Marshall of the City of Paris, Texas, until said fine and all costs are fully paid; and further that execution issue to collect the same.

J. T. Evans, Jr., City Recorder of the City of Paris, Texas.

THE STATE OF TEXAS,
County of Lamar:

I, J. T. Evans, Corporation Judge, do hereby certify that the above and foregoing is a true and correct Transcript of all the proceedings had in my Court in the cause of The State of Texas vs. Mrs. Daisey Largent, No. 6536 on the Criminal Docket of said Court, including a bill of the costs accrued in said cause.

Witness my official signature, at Paris, Tex. this 29 day of July, 1941.

J. T. Evans, Jr., Corporation Judge, Paris, Lamar County, Texas.

Endorsement: Filed this 8 day of August, 1941; Clyde Humphrey, Clerk, County Court, Lamar County, Texas, by R. G. Coleman, Deputy.

[fol. 3] IN COUNTY COURT OF LAMAR COUNTY, TEXAS.

No. 2200-B

STATE OF TEXAS

vs.

DAISY LARGENT

MOTION TO QUASH COMPLAINT—Filed November 2, 1942

Now comes the defendant in the above entitled and numbered cause and moves the Court to quash the complaint and discharge the defendant for the following reasons:

1

The ordinance under which the complaint is drawn and filed against this defendant is void on its face because it is in excess of the police power of the State of Texas

or the City of Paris and the means employed have no reasonable relation to the ends aimed at by the ordinances therefore is unreasonable and deprives defendant of her property and liberty without due process of law and equal protection of the law, all contrary to the Constitution of the State of Texas and the Fourteenth Amendment to the United States Constitution.

2

The Ordinance is void on its face because it confers arbitrary and discriminatory powers upon the Mayor of the City of Paris in that there is no instruction upon the exercise of his unlimited discretion conferred in the Mayor to grant or refuse permits that may be issued under the ordinances. Therefore it denies defendant of her liberty and property without due process of law and equal protection of the laws contrary to the Constitution of Texas and the Fourteenth Amendment to the United States Constitution.

3

The ordinance is void on its face because by its terms, it abridges the people's inherent and inalienable rights of freedom of communication, of assembly, the use of the public streets for a lawful purpose, freedoms of speech and of press, contrary to the Constitution of the State of Texas and First and Fourteenth Amendments to the Constitution of the United States.

[fol. 4]

4

That from the facts alleged in the complaint, the ordinance has been construed in such a manner as to abridge the defendant's rights of freedom of communication, of assembly, the use of the public streets for a lawful purpose, freedoms of speech, and of the press, contrary to the Constitution of the State of Texas and the First and Fourteenth Amendments to the United States Constitution.

Wherefore, defendant prays that Court quash the complaint and discharge the defendant together with his costs.

Tom S. Williams, Hayden C. Covington, Attorneys
for Defendant.

[File endorsement omitted.]

Motion overruled Nov. 2, 1942—Defendant excepts.

Eugene F. Harrell, County Judge.

IN COUNTY COURT OF LAMAR COUNTY, TEXAS

[Title omitted]

ORDER OVERRULING MOTION TO QUASH—Filed November 2, 1942

On this the 2nd day of November, 1942, at a regular term of this court in the above entitled and numbered cause came on to be heard and considered the defendant's motion to quash the complaint, duly filed and presented to the Court in the time and manner required by law, and the Court after hearing argument of counsel thereon was of the opinion that the same should be overruled; therefore,

It is hereby ordered, adjudged and decreed by the Court [fol. 5] that said motion to quash be and the same is hereby in all things overruled to which action of the court the defendant then and there in open court excepted.

Done at Paris, Lamar County, Texas, on November 2nd, 1942.

Eugene F. Harrell, Judge of the County Court of Lamar County, Texas.

IN COUNTY COURT OF LAMAR COUNTY, TEXAS

[Title omitted]

MOTION FOR A FINDING OF NOT GUILTY AND FOR JUDGMENT—
Filed November 2, 1942

Now comes the defendant in the above entitled and numbered cause and moves the court to find the defendant not guilty and for a judgment of acquittal and dismissing the complaint and discharging the defendant for the following reasons:

1

The ordinance under which the complaint is drawn and filed against this defendant is void on its face because it is in excess of the police power of the State of Texas or the City of Paris and the means employed have no reasonable relation to the ends aimed at by the ordinances therefore is unreasonable and deprives defendant of her property and liberty without due process of law and equal protection of

the law, all contrary to the Constitution of the State of Texas and the Fourteenth Amendment to the United States Constitution.

The ordinance is void on its face because it confers arbitrary and discriminatory powers upon the Mayor of the City of Paris in that there is no instruction upon the [fol. 6] exercise of his unlimited discretion conferred in the Mayor to grant or refuse permits that may be issued under the ordinances. Therefore it denies defendant of her liberty and property without due process of law and equal protection of the laws contrary to the Constitution of Texas and the Fourteenth Amendment to the United States Constitution.

The ordinance is void on its face because by its terms, it abridges the people's inherent and inalienable rights of freedom of communication, of assembly, the use of the public streets for a lawful purpose, freedoms of speech and of press, contrary to the Constitution of the State of Texas and the First and Fourteenth Amendments to the United States Constitution.

That from all the facts and circumstances established in the evidence it appears that if the ordinance in question is construed and applied to cover the activity of the defendant that said defendant's rights of freedoms of assembly, speech, press, and to worship Almighty God Jehovah by serving as His ordained minister preaching the Gospel of God's Kingdom, all of which rights are denied contrary to the Texas Constitution and the First and Fourteenth Amendments of the United States Constitution.

Tom S. Williams, Hayden C. Covington, Attorneys for Defendant.

[File endorsement omitted.]

Overruled.

Eugene F. Harrell.

[fols. 7 & 8] IN COUNTY COURT OF LAMAR COUNTY, TEXAS

[Title omitted]

ORDER OVERRULING MOTION FOR JUDGMENT—November 2,
1942

On this the 2nd day of November, 1942, at a regular term of this court in the above entitled and numbered cause came on to be heard and considered the defendant's motion for a judgement of acquittal and finding of not guilty, duly filed and presented to the court at the close of all the evidence and when both parties announced that they closed their case, and the Court after hearing argument of counsel thereon was of the opinion that the same should be overruled; therefore,

It is hereby ordered, adjudged and decreed by the Court that said motion for judgment of acquittal and finding of not guilty be and the same is hereby in all things overruled to which action of the court the defendant then and there in open court excepted.

Done at Paris, Lamar County, Texas, on November 2nd, 1942.

Eugene F. Harrell, Judge of the County Court of Lamar County, Texas.

[fol. 9] IN COUNTY COURT OF LAMAR COUNTY, TEXAS, NOVEMBER TERM, 1942

No. 2200-B

STATE OF TEXAS

vs.

DAISEY LARGENT

Statement of Facts

At a regular term of the County Court of Lamar County, Texas, the November, 1942, term held in the Courthouse at Paris, Lamar County, Texas, thereof the above entitled and numbered case was duly called for trial on November 2nd, 1942, at which time and place the Court was duly convening and there was present the following: Honorable Eugene F. Harrell, County Judge; J. M. Baswell, County

Attorney, representing the State of Texas, Plaintiff herein; Tom S. Williams, Sulphur Springs, Texas; and Hayden C. Covington, San Antonio, Texas and Brooklyn, New York, attorneys for the defendant.

There not being a regular court reporter for County Court and the parties being unable to obtain an official court reporter of the District Court of Lamar County, Texas, it was stipulated between the parties that Janetta Wyche, a shorthand reporter and private stenographer of Fort Worth, Texas, report the evidence and proceedings of the trial. By leave of Court, said reporter, Janetta Wyche, was permitted to take down the testimony in shorthand and to report the proceedings of the trial. Thereupon the Clerk of this court under the direction of Honorable Eugene F. Harrell, Judge of the County Court, duly and regularly administered the oath, the regular oath administered to Court Reporters. Thereupon the trial of said cause proceeded.

Be it remembered that upon the second day of November, 1942, upon the trial of the above entitled and numbered cause in the County Court of Lamar County, Texas, the following proceedings were held and the evidence adduced, to wit:

ORDER OVERRULING MOTION TO QUASH

Defendant presented Motion to Quash and Dismiss, which Motion was overruled by the Court, to which action exception was taken by Defendant.

PLEA OF NOT GUILTY

Plaintiff presented complaint to Court charging Defendant with offering for sale books without a permit, to which complaint the defendant plead "not guilty".

Plaintiff's Exhibit "B", Ordinance No. 612 was presented and read to the Court (not being a certified copy, but accepted subject to proof by Defendant).

[fol. 10]

PLAINTIFF'S EXHIBIT "B"

ORDINANCE NO. 612

An ordinance regulating the soliciting of orders for books, wares, merchandise of household articles of any character whatsoever and the sale of books, wares, merchandise or household articles of any character whatsoever, the can-

vassing and census taking in the residence district of the City of Paris, providing for the issuance of a permit by the Mayor prescribing penalties and declaring an emergency.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARIS:

Section 1:—

From and after the passage of this ordinance it shall be unlawful for any person, firm or corporation to solicit orders for books, wares, merchandise, or any household article of any description whatsoever within the residence portion of the City of Paris, or to sell books, wares, merchandise or any household article of any description whatsoever within the residence district of the City of Paris, or to canvass, take census without first filing an application in writing with the Mayor and obtaining a permit, which said application shall state the character of the goods, wares, or merchandise intended to be sold or the nature of the canvass to be made, or the census to be taken, and by what authority. The application shall also state the name of the party desiring the permit, his permanent street address and number while in the city and if after investigation the Mayor deems it proper or advisable he may issue a written permit to said person for the purpose of soliciting, selling, canvassing or census taking within the residence portion of the city which permit shall state on its face that it has been issued after a thorough investigation.

Section 2:—

The issuance of such permit by the Mayor shall not confer upon the holder thereof any rights to enter any residence contrary to the wishes of the owner or occupant of same and the holder of any such permit shall be respectful and considerate in dealing with the occupants of the residences and on complaint of any person this permit may be revoked and canceled by the Mayor.

Section 3:—

The issuance of this permit shall not be held to confer any right on the holder thereof to peddle or sell merchandise without first obtaining a peddlers license and paying the fee therefor.

[fols. 11-12] Section 4:—

Any person, firm or corporation violating any or all of the provisions of this ordinance or who attempts to solicit for the sale of books, wares, merchandise or any household article whatsoever or to sell any of the same or to canvass or to take census within the residence district of the City of Paris without first obtaining a permit from the Mayor shall be deemed guilty of a misdemeanor and on conviction thereof in Corporation Court, be fined in any sum not less than \$5.00 or more than \$200.00.

Any person having a permit to solicit, sell canvass or take census within the residence district of the City of Paris who shall become abusive or act in an overbearing or insulting manner to any of the occupants or owners of the residences within said City shall be deemed guilty of a misdemeanor and on conviction thereof in Corporation Court be fined in any sum not less than \$5.00 or more than \$200.00.

The fact that the housewives and occupants of residences within the City of Paris are annoyed and harassed by indiscriminate canvassing, census taking, etc., and that there is no ordinance at present covering same, creates a public emergency, requiring that the rules and charter provisions prohibiting the passage of an ordinance at the meeting introduced requiring same to be submitted to a committee, be suspended and the same is accordingly done and this ordinance will take effect from and after the date of its approval by the Mayor.

Adopted 11/26/17.

Ayes 4—Nays 0.

Next the Plaintiff offered the Judgement of the Corporation Court to the County Court and in which this judgement is certified to be the judgement of the Corporation Court, Paris, Lamar, County, Texas, the 29th day of July, 1941, carrying a judgement in there of the jury finding Mrs. Daisy Largent guilty as charged and assessing fine of \$200.00 and signed by the foreman, Mr. Harry I. Miller. Now we submit that. (Presented and marked as Plaintiff's Exhibit "A").

Transcript of Judgement from Corporation Court omitted. Printed side page 2-A *ante*.

[fol. 13]

COLLOQUY OF COUNSEL

Defendant here offered to stipulate many of the facts in the case to save the Court's time, to which offer the Plaintiff demurred stating that he was not familiar with the State's facts any more than what was set out in Judgment, Complaint etc.

Mr. Covington: I can tell you that she had the literature and that she was going from house to house with it. She was distributing it and from some she took money contributions and from others she did not but gave literature. She did not apply for a permit. She did not have a permit as the ordinance requires and there are certain reasons why she did not which we would like to state as part of our defense, but we admit more or less the main facts in the complaint and we would like to state our story.

Mr. Baswell: You made one statement that I don't know whether I could agree upon either here or from the evidence and that was "contribute"; you said "contribute" and not a sale. We admit that she was selling and offering for sale. Your statement would be it was contributing and a voluntary contribution to the party to whom she delivered the literature, and not a sale.

Mr. Covington: She used a card and offered that literature by printed card and it speaks for her and when that was offered she explained—

Mr. Baswell: I tell you what let's do. Of course, the State's case lies in the Ordinance just read and what the evidence discloses and the State will rest here for the Attorney to offer testimony.

[fol. 14] Mr. Covington: Based on statements I have made!

Mr. Baswell: Yes.

Mr. Covington: I will offer witnesses. I would first, if your Honor please, would like to call Mr. Joseph Isaacs, who is the District Representative of Jehovah's witnesses and can explain the general work and will testify that she is a duly authorized representative and then she will get on the stand and tell what she was doing.

Mr. Baswell: That will be all right.

JOSEPH ISAACS, witness for defendant, having been duly sworn, did testify as follows:

Direct examination:

Mr. Covington: The parties admit that the ordinance in question is in full force and effect now and has been in full force and effect in the City of Paris ever since the date of its passage and was in full force and effect on the dates alleged in the complaint. That is a fact, Judge?

Judge Harrell: Yes.

(Here Ordinance #612 introduced as Exhibit "B" for Plaintiffs on Page Two hereof was checked with original record and attested to, entered and marked as Plaintiff's Exhibit "B".)

Mr. Covington: Now, Mr. Isaacs, you will have to talk louder than you do ordinarily in conversation so that the Judge and everybody in the court can hear. State your name, your age, your home address and your occupation.

Mr. Isaacs: Joseph Isaacs. Fifty-seven. Route Nine, Buckner Boulevard, Dallas, Texas. My occupation is a minister.

Q. Mr. Isaacs, with what organization are you affiliated as a minister of the Gospel?

A. With the Watch Tower Bible & Tract Society of Brooklyn, New York.

Q. And is that the organization that is used by the group which is commonly known as Jehovah's witnesses?

A. It is.

Q. Now explain to the Judge the connection between the two.

A. The Watch Tower Bible and Tract Society is incorporated for the purpose of publishing Bibles and Bible helps to assist Christian people in the study of God's Word. In recent years in the study of the Bible, we have found, with these helps, that the time had come when Jehovah would have his witnesses declare prior to the full establishment of the Kingdom and the complete destruction of the [fol. 15] Devil's organization as He foretold in the Bible; therefore it was recognized to us both in the Old Testament and the New that Jehovah God—

Mr. Baswell: Now, judge, that is superfluous.

Mr. Covington: Judge, I will show the connection with this in just a minute. I am merely trying to clear up the

record by trying to learn the background. He will later testify that she is one of Jehovah's witnesses and worked as such and this is the background of what she was doing and that this organization prints the books and you will want this background and if we can give a few facts then you can better appreciate the case. I don't want to make a long, drawn-out issue, but when you see the connection that she is a representative of the Watch Tower Bible Society and also one of Jehovah's witnesses and that this work she was doing is one of the required methods of this organization, then we will go into the details of her activities, but it seems logical to have the background.

Mr. Baswell: As far as I am concerned, it is not necessary to go into this and begin calling scriptures from Genesis to Revelation.

Judge Harrell: That is your objection to those questions?

Mr. Baswell: I was objecting to his going into all that detail.

Mr. Covington: I can shorten it to about five minutes and then she can take the stand and tell what she was doing.

Mr. Baswell: About the only thing necessary in that is that it is an organization and you have already done that and the organization has its function and was functioning as an organization as incorporated; now then why this of going into all the details of what the Scriptures said about it and this interpretation of the Scriptures; it is not necessary in a criminal case.

Mr. Covington: This is not a criminal case, but is tried under the criminal laws of the City.

Judge Harrell: Objection sustained.

Mr. Covington: We would like to make an offer of proof in connection with this exception to show what bill of exception would have there to show what the witness would have testified and in as much as the court has already made a ruling, I would like to take exception to the Court's ruling and make an offer of proof.

Mr. Baswell: I don't think that that is necessary really; [fol. 16] you have already testified as to what it did as an organization and I don't think that they have any headquarters in Texas.

Mr. Covington: I would like to show that—

Mr. Baswell: What I was really objecting to—probably you didn't get my objection thoroughly, was that it wasn't necessary to incorporate the provisions of the Scriptures

in connection with this thing of what they were doing and why. There is the organization they have.

Mr. Covington: This is the method employed by the defendant to preach and we are entitled to show it is the method and that it is respected by the Constitution of the State of Texas and the United States and to show the Court of Criminal Appeals and Supreme Court that this ordinance has been wrongly construed and applied in this particular case.

Mr. Baswell: I don't get this from the ordinance in that, of course, I am not trying to be antagonistic and mean, but I think, this is off the record—I still insist on the objection as to all of that particular going into the Scriptures and all, because it never ends whenever you get started. We are not in a religious organization or atmosphere in the trial of this case, but whether or not this was a sale.

Mr. Covington: Of course, she was acting as a representative of the organization.

Mr. Baswell: I have never objected to proving by Reverend Isaacs here that that was their function and method of preaching, but why a lot of Scripture that is their decision? I don't think it is right. I think it is just a little bit off-side. I don't think it is necessary.

Mr. Covington: Judge, I do and, of course, we have the right to disagree with one another.

Mr. Baswell: That is right.

Mr. Covington: Mr. Isaacs, the Watch Tower Bible and Tract Society is organized under the laws of Pennsylvania and New York!

Mr. Isaacs: I think so.

Q. Headquarters in New York?

A. Yes.

Q. Incorporated for the purpose of preaching the Gospel of God's Kingdom?

A. Yes.

Q. How long have you been connected with that organization?

A. Since 1906, February, 1906.

[fol. 17] Q. And the organization, the Watch Tower Bible and Tract Society, is used, is it not, as an organization for Jehovah's witnesses?

A. Yes.

Q. And everyone of Jehovah's witnesses operate under the direction of that organization?

A. Yes.

Q. Throughout the entire United States and England, at this time?

A. That is my understanding.

Q. What is the method that is employed by the Watch Tower Bible and Tract Society and Jehovah's witnesses in carrying on this work of preaching the gospel of God's Kingdom?

A. To present to the people the Bible and textbooks enabling them to look up the different texts to the different subjects in full in a short while and permit them to get vital knowledge.

Q. And these books that are distributed, where are they distributed?

A. They are distributed in the mail by the Lord's organization in most of the cities, by house to house preaching seeking in that way to proclaim this message like the Lord.

Q. Also distributed on the streets?

A. Yes, sir.

Q. Is this method of calling from house to house and preaching to the people, is that—why is that method employed of calling at homes instead of building churches?

A. Religious census have proven that the vast majority of the people do not attend religious services regularly, and therefore in order that those who do not attend might have the information they use that method and of the radio and other means.

Q. Isn't that method from house to house used because it is the only way of reaching all the people?

A. Yes.

Q. And if we built churches we could not get all the people in?

A. Stands to reason that we could not, of course, get everybody in one building.

[fol. 18] Q. Why is it, Mr. Isaacs, that the books are used in explaining these things, the printed page?

A. Beg Pardon.

Q. Why is it that you employ the printed page, the books?

A. Our understanding is that in the fulfillment of prophecy that great would be the number of people that publish and preach for the Kingdom and in order that people might

yet hear and might investigate these subjects in their own home and by reason of having them for future reference.

Q. In other words, they are being published so that they can have a permanent record?

A. Yes.

Q. Is it necessary to have the Bible to study these books?

A. Yes, some have 350 or more scripture citations.

Q. Is this method employed by Jehovah's witnesses in going from the homes of people, is that recognized as an old method of preaching the Gospel?

A. Yes, it is. Recently in one of the Dallas papers, I believe it was a Baptist preacher, who said it looked as if they would have to go from house to house and preach to the people as the Apostles did of old. And that is an example of how very important it is to contact the people and arouse them and if we don't their blood when their destruction comes is upon our heads, but if we inform them and they die in their iniquities their blood is upon themselves.

Q. Did the Lord Jesus and the Apostles preach from house to house?

A. Yes, they did. He and the twelve apostles went from city to city and house to house.

Q. The Scriptures support that, don't they?

A. Yes.

Q. Are present-day Christians, who desire to preach, admonished to preach in that way?

A. Yes, they are.

Q. Is that why Jehovah's witnesses go from house to house?

A. Certainly is the reason, because they have made a covenant with God to do Jehovah's will and to be followers of Jesus Christ.

[fol. 19] Q. Is this work done in every city throughout the nation?

A. Every city I have been in I have found witnesses working along this line.

Q. What—(Withdraw question). Now what do Jehovah's witnesses feel would happen to them should they not do this work of preaching from house to house.

A. They would feel as if they were covenant breakers and that they would have the disapproval of the Lord.

Q. Do everyone of Jehovah's witnesses act as ordained ministers of the Watch Tower in going from house to house?

A. Yes, if they are Jehovah's witnesses. They would have to be commissioned by Jehovah through His word to be a minister.

Q. Explain the nature of ordination of one who preaches from house to house.

Mr. Baswell: I don't see what is necessary about that. That don't have—

Mr. Covington: I withdraw the question. Cut it out as unnecessary.

Mr. Covington: Do you know this Daisy Largent?

Mr. Isaacs: Yes, I do.

Q. How long have you known her?

A. First I met her in 1938.

Q. Mr. Isaacs, in what capacity were you serving the Watch Tower at that time?

A. At that time I was in Houston, Texas and representing them with the local organization.

Q. And at that time you met her?

A. At a convention.

Q. After you came to Dallas, did you ever have occasion to visit the City of Paris?

A. Yes, the reason I moved to Dallas, they wanted me for their representative or Zone Servant for the District.

Q. Explain the duties of Zone Man. Sort of traveling superintendent for these ministers in districts?

A. Yes, it is. To assist them and encourage them and help them in the work they are doing.

[fol. 20] Q. Was the City of Paris within your jurisdiction?

A. Yes.

Q. Did you become acquainted with Daisy Largent here in Paris?

A. Yes.

Q. When did you first meet her in Paris, or do you remember?

A. In the Spring of '41.

Q. Spring of '41. And that was when you first took over the Paris district?

A. No, I took over the Paris District in the Fall of 1939.

Q. Was that on the occasion of your first visit to Paris?

A. No, it wasn't.

Q. Do you know whether at that time the defendant, Daisy Largent, was acting as a duly recognized representative of the Watch Tower Bible & Tract Society?

A. Yes, when I met her, I can't remember the name of the representative of the Society who stated that she was representing them in another city and in about May I came here and met her in the work.

Q. At that time and during the time you have served, as long, that is as a regular representative, did you recognize her as a duly ordained representative of that Society?

A. Yes, and I marveled at her zeal because she had four children and she was a widow of a world war veteran living from a small pension and regardless of all handicaps that she was very zealous and continued in her work.

Q. Then at that time she was recognized here as an ordained minister?

A. Yes.

Q. Do you recognize her as one of Jehovah's witnesses?

A. Yes.

Q. Do you know whether or not she went from house to house?

A. Yes, I do.

Q. Mr. Isaacs, what is the number of times that you called here in Paris at which times you found her to be preaching the Gospel here?

A. Well, three or four or five times. Can't think.

[fol. 21] Q. How often did you make trips through Paris?

A. Don't remember exactly. Every three or four months.

Q. Mr. Isaacs, is this work that is done by Jehovah's witnesses under the direction of the Watch Tower Society done by compulsion or is it voluntary work?

A. Strictly voluntary work.

Q. Do Jehovah's witnesses and the Watch Tower Bible & Tract Society have a membership roll that they attempt to get people to join up to?

A. No, Sir, they don't.

Q. Why do they call at people's homes? What is their purpose?

A. Purpose is to preach the message of the Lord, encouraging other Christians to study the Bible to learn what the Lord's will is.

Q. The Watchtower Bible & Tract Society is a benevolent, charitable corporation, isn't it?

A: It certainly is.

Q. How is its activities supported, by contributions of its members to the Society?

A: From voluntary contributions.

Q. Who was the first president of the Watch Tower?

A: Commonly known as Paster Russell.

Q. Upon his death he was succeeded by whom?

A: Judge Rutherford.

Q. And upon the death of Judge Rutherford who succeeded him?

A: The present president, N. A. Knorr, of Brooklyn, New York.

Q. Prior to the advance of Fascism and Nazism, did the Watch Tower have offices in every country of the globe?

A: I knew of about seventy some odd.

Q. Since the advance of Nazism, what has happened to the organizations in the countries over-run by Axis powers?

A: Many of our brethren have been killed and persecuted. Especially in Germany where hundreds are in concentration camps.

[fol. 22] Q. What has happened in Norway and France and other countries that have been over-run?

A: The same persecution as in the totalitarian nations.

Q. When did the killing and imprisonment of the representatives of the Watch Tower begin in Germany?

A: As soon as Hitler came into power. One of his first acts was to close down our printing presses. Through the government of the United States effort was made to get him to release this equipment, but was in vain and thousands of Bibles and Bible literature was destroyed by him.

Q. The organization is now operating in Great Britain and the United States?

A: Seems as if their greatest work is being done in these two countries.

Judge Harrell: It is almost twelve, I'm not trying to rush you, but we work by the clock.

Mr. Covington: I think that will be all.

Judge Harrell: We will recess until 1:30.

(Recess.)

Mr. Covington: Mr. Isaacs, in the performance of your duties as a minister to the Watch Tower Bible & Tract

Society and as one of Jehovah's witnesses are you self-sustaining or do you receive a salary?

Mr. Isaacs: I don't receive a salary and I don't know of any who do receive a salary. We bear our own expense.

Q. In what manner do you sustain yourself?

A. Well, I have been fortunate enough to know a trade and had little contracts in Dallas and Houston from time to time and in that way was able to accumulate a little money ahead and bear my own expense!

Q. Do you know whether or not the organization known as the Watch Tower and Jehovah's witnesses are loyal American citizens?

A. As far as I know we are loyal. I am and it seems to me like that the fact that we are here asking this court to consider our case shows we are loyal.

Q. Do they believe in protecting constitutional rights?

A. Certainly, that is what we are fighting for right now.

Q. Does the organization have any connection with any foreign power or any political activity?

A. I have never heard of any Jehovah's witnesses or the [fol. 23] organization's having anything to do with any foreign power or political organization.

Q. They are not for any foreign power?

A. No, sir.

Q. What is the attitude of the organization toward the Nazi Facist rule?

A. I have had the privilege with them of putting out millions of pamphlets exposing that rule even before the present war broke out.

Q. Doesn't the organization conduct schools for the purpose of training ministers?

A. I have attended Bible schools since about the later part of 1905.

Q. And are those schools conducted in various parts of the country and many communities?

A. Yes, and the purpose is to instruct them in the Bible and textbooks and to know how to present it in an effective way for the people to learn.

Q. Educational training in these Bible schools is required to become ordained ministers?

A. Certainly.

Cross-examination:

Mr. Baswell: Mr. Isaacs, you say the name of your organization is called what?

Mr. Isaacs: The Watch Tower Bible & Tract Society.

Q. The Watch Tower Bible & Tract Society. Where is its headquarters?

A. Brooklyn, New York.

Q. Is it a corporation or just an association?

A. A corporation.

Q. A Corporation?

A. Yes, sir.

Q. And as such corporation does it extend all over the United States?

A. I don't believe I understand the question.

Q. What I mean is—doesn't it, as a corporation, do business with other corporations and have headquarters in every state in the union?

A. Not to my knowledge.

Q. Doesn't it have a business headquarters or organization in Texas?

A. No, not that I know of.

[fol. 24] Q. Is there any establishment in the State of Texas that you know anything about that does any part of the printing that is done?

A. No, sir, I don't.

Q. Is there any place within the State of Texas that you know of where that this literature is assembled in bulk and then distributed to other members of your organization?

A. Through the local organizations that we call Jehovah's witnesses, which is not incorporated, they receive literature in what you might call bulk in order to save transportation and then it is distributed by the local organization of Jehovah's witnesses among the Jehovah's witnesses that they might have sufficient Bibles and literature.

Q. In other words, as I understand, that at each place where there is an organization of Jehovah's witnesses that the literature is sent to them directly and then distributed by them to others. Is that right?

A. Yes.

Q. How long did you say that your organization had been in existence?

A. I don't remember having stated that this morning, but I think it was incorporated back in 1882 or 78, I don't remember.

Q. '78 or '88 somewhere along there?

A. Yes.

Q. One Pastor Russell was the first founder?

A. I stated he was the first president.

Q. First president of the Watch Tower?

A. Yes.

Q. Then Judge Rutherford was the next?

A. After Pastor Russell died, he then became president.

Q. And after his death who was it?

A. N. H. Knorr.

Q. Just three of them is all there has been since the incorporation of the Watch Tower Tract Society or whatever it is?

A. Yes, I have known all three.

Q. Now, let's get on down to the end, you stated that you knew personally Mrs. Daisy Largent, the defendant in this case?

A. Yes.

[fol: 25] Q. When did you first become acquainted with her?

A. In 1937 or '38 at a convention in Houston.

Q. In Houston. At that time was she living in Paris?

A. I don't think she was.

Q. Do you know how long she has been living, connected with your organization in Paris?

A. I don't think it has been over two years, a year and a half perhaps, something like that.

Q. I understood you to state she came here in '38, you thought?

A. No, I didn't. She came her to my knowledge about the first of the year 1941.

Q. About first of year 1941 and do you know where she came from here?

A. I'm not sure about that. Think she came from Little Rock, Arkansas.

Q. Now, Mr. Isaacs, you brought a whole lot of evidence that I don't think is anything to this case, but I let it go in about the connection with foreign powers and the powers with which the United States is at war. You stated over there, I believe, that Hitler suppressed your organization in Germany?

A. That is right.

Q. Was that the only organization to your knowledge that he suppressed in Germany?

A. I don't know the names of others, but I have heard that other organizations were opposed also.

Q. I will ask you if it isn't a fact that the Masonic Order was suppressed in Germany by Hitler?

A. I don't doubt it a minute. My oldest brother is a Past Master of the oldest lodge in Texas and he says that in Germany they have had a dirty deal and certainly would be run out if Hitler and Mussolini had their way.

Q. Now back to the remuneration of those who are distributing this literature. I believe you stated while ago that as to yourself that you were engaged in other occupations besides that of being a minister of this particular organization?

A. From the standpoint like Jesus was a carpenter, from time to time I have done that not to be a burden.

Q. On someone else?

A. Yes.

[fol. 26] Q. Do you have church organizations or is it just an organization that doesn't have any particular place of worship? Does it have any particular segregation of worship in any of these towns and cities?

A. In most of the larger cities and many of the smaller towns they rent good sized halls in different parts of the city in order to make it convenient for the people and in many places where the congregation is small they meet in homes to study and plan their work of preaching the gospel.

Q. Those who are engaged in that particular line of work what is their remuneration and how are they remunerated for that line of work?

A. Well, the only remuneration that I know of that they get is the satisfaction of worshipping Jehovah God and serving Christ and His Kingdom in proclaiming His Kingdom. Now, if individuals receive help from anybody or someone wants to help them, it is none of my business and I am not acquainted with that.

Q. People have to live and have to have nourishment and drink.

A. You have to eat to keep from dying.

Q. Have to eat to keep from dying—got to eat to live, haven't you?

A. Yes, sir.

Q. Now then where you do all that work free, how do they live?

A. Well, I guess that was a marvel to the Jewish people in Christ's day, how that the Lord and the apostles got around and preached and yet there is a number of records of His taking a fish and feeding a multitude. One can only rely on God.

Q. You have got to have something—you can't maintain an organization without some remuneration of some kind, can you, Mr. Isaacs?

A. Of course not. But the question is where the money comes from. I have a family and naturally have to have food and clothing for them and I have a car and have to have gas and tires; If I can get them.

Q. You mean you can't?

A. In my own case it is one of not letting your right hand know about your left, but I want to say to answer your question frankly that one time I started out with \$3,000.00 to see how long I could stay in this work. In a few years I had gotten down to \$300.00 and my children had gotten larger and were entitled to proper education and all and so I had to work on a few contracts for a while.

Q. In other words, recoup your fortune?

A. Yes.

[fol. 27] Q. You go out and distribute literature with one hand and take in money with the other?

A. What money?

Q. Any money.

A. No sir. The literature is offered to people on voluntary contribution, but I can personally say that I have given away numbers of books and booklets.

Q. I am going to ask you this question—is it not a fact that in the distribution of this literature that you would have some certain small tracts that you gave away, but some others that you didn't give away, but sell?

A. We do not sell anything; but we do offer the literature on a contribution. A bound book, a novel that would ordinarily cost 75¢ to \$1.25 we offer to the people on a contribution of 25¢. There is a book called CHILDREN and which has a number of scripture references. That book is offered

on a contribution of 25¢. In addition we give them a booklet of about 64 pages and in addition to that we send three courses with Bible questions to help them understand. In addition we go to homes and assist in back calls and Bible study and seek to encourage them to gain a knowledge of God's Kingdom.

Q. You are down that far. You say that 'upon a contribution', and a contribution only, it is sold?

A. I didn't say that. It is not a sale.

Q. Did you infer it?

A. No sir, I didn't infer it knowingly.

Q. We will go this way then. There is a book that you delivered to anybody that would contribute to you 25¢, in addition to that then you gave all this other literature that you mentioned free, but it all depends upon the contribution that you get for that one little book? That right?

A. No, sir.

Q. What is right?

A. If they offer a contribution of 25¢ we leave that book with them and the booklet HOPE and agree to send them the three study courses of questions to help aid them in Bible study. If they don't offer the contribution of 25¢ and are desirous of reading the book we then leave it or if they offer a 5¢ contribution up to 25¢ we assist them that much and I can truthfully say that in the past twenty-five years I have given away thousands of books bound similar to this.

[fol. 28] Q. But there must be a contribution unless it is gotten from you or the Tract Society which you represent to get that literature into their hands.

A. It is a contribution of what they will offer, 25¢ or less. Those who really want it and can't contribute, get it free. We do not promiscuously scatter it around. People who are able and willing to help by that money contribution can and you can readily see that you could hardly pay for expenses and time and gas and clothes of the individual and naturally they have to live and that is where the burden comes—to see that they provide for themselves.

Q. Is there any assessment of any item or special assembly for the purpose of remuneration for the purpose of the difference in cost and contribution?

A. If I understand your question right—may I ask you do we receive the book free—kindly state that again.

Q. You have, by way of explanation, membership or people, men and women, that belong to your organization of Jehovah's witnesses. Is that right?

A. Yes.

Q. Now many of those are engaged in other avocations, avocations of labor or other than preaching?

A. Yes. As an illustration I might state that my wife keeps the house and my three daughters work and that way we carry on our work.

Q. And there are men and women in your organization that are employed on we will say a weekly or monthly basis, in other words that they receive money for their labor. For instance a man that is a contractor or a carpenter, you go out and make a trade with a man to build a house and you will make profit on your labor, which you will do and now then is there any part of that money or any assessment that is received by anybody that is engaged in an avocation of that kind that is paid into your organization to compensate for you for that loss of that periodical and all that? Suppose that you are employed by some secular organization or religious organization, makes no difference, which pays a salary of \$100.00 a month. Now is there any part of that \$100.00 that you received tithed by you under some portion of the scriptures a 10% offering or tithe, is there any part of that tithed by you as a member of your organization for the purpose of remuneration for any of the loss sustained by distribution of this literature.

A. No.

[fol. 29] Q. Then how is it paid for?

A. It is paid for in this way. If I find that I have the time and can engage in this house to house work and can give away or place on contribution of 10¢, 15¢ or 25¢ as according to what the prospect cares to contribute up to and not over 25¢. I go to work and get books. It is my property and my business what I do with them.

Q. You pay for books when sent to you?

A. Certainly.

Q. Well, what is the cost of that book right there?

A. That book right there would cost me 20¢ and this booklet 1¢ and the three study courses that we mail out cost postage of 4½¢. At that rate, if I deliver the courses I might save 4½¢, but if I don't, of course, I will lose ½¢.

Q. In other words, if you break even you are doing well!

A. The Lord says if we make a covenant with Him, everything belongs to Him. It is a matter of using it wisely.

Q. The question was asked by your counsel whether or not that members of Jehovah's witnesses are loyal to the United States government of America. Is that right?

A. Yes, we are loyal to the United States of America constitution in every respect where it doesn't conflict with God's law. You stated the United States of America. That included all the states of the United States. We have found that in some states of the United States that they have almost put to shame Hitler in their persecution and disrupting the work of preaching the Word of God. I know that to be a fact because when they drove the brethren out of Louisiana and Mississippi I spent over a week making affidavits and seeking some way to help these people driven like cattle from their homes.

Q. Have you ever received any treatment of that kind in Texas?

A. Yes, in the last World War I did.

Q. Was that because of any act of yours?

A. No sir, it was not and was proven so by the Sheriff of Harris Count and citizens of Harris County.

[fol. 30] Q. Now then how many representatives do you have in Paris?

A. I really don't know.

Q. Do you know how many were engaged in your work directly and not in anything else?

A. Here in Paris; I'm afraid I don't know.

Mr. Baswell: That is all.

Redirect examination:

Mr. Covington: Just this question please. Now the organization has been incorporated since 1876 or '82, but have Jehovah's witnesses been on the earth prior to that?

Mr. Isaacs: According to my understanding, Abel was the first Jehovah's witness when he was slain by his brother, Cain.

Q. How do we know Jehovah's witnesses have been on the earth since that time? How do we know they were Jehovah's witnesses?

A. In the eleventh chapter of Hebrews in the Old Testament it gives you account of many who testified, died violent deaths and were faithful. Moses who was chosen to lead

the children of Israel out of Egypt and how the Lord delivered them out and destroyed Pharaoh's army in the Red Sea. They were all witnesses and looking forward to that city or government.

Q. What do you mean by this city or government advocated?

A. The same thing that Jesus taught his followers to pray for thy kingdom come and thy will be done on earth as it is in heaven, which means Christ's Kingdom established here upon earth with Jesus King of the Theocratic Kingdom, all in subjection to the most high Jehovah.

Q. Will that bring blessings to humanity and when will it come?

A. The Revelator says he saw a new city or government, the new Jerusalem, coming down from God out of heaven and all sickness and sorrow and death or gone for the former things have passed away.

Mr. Covington: That is all, thank you.

Mr. Baswell: I believe that is all.

Mr. Covington: Mrs. Largent, will you kindly take the stand please.

Mrs. DAISY LARGENT, defendant, having been duly sworn, did testify as follows:

Direct examination:

[fol. 31] Mr. Covington: You have been sworn?

Mrs. Largent: Yes.

Q. State your name, your age, your address, how long you have lived in Paris and where you came from here?

A. Name is Daisy Belle Largent, 39 years old, 400 E. Washington in Paris, Texas.

Q. How long have you lived here?

A. Two years this coming March.

Q. And before that?

A. Little Rock, Arkansas.

Q. And how long there?

A. About six months.

Q. And before that?

A. Hot Springs.

Q. And before you went to Hot Springs?

A. Jackson.

Q. How long did you live at Jackson?

A. Off and on for eight years.

Q. Are you married?

A. Yes, a widow.

Q. Any children?

A. Yes, four.

Q. What are their ages?

A. Eighteen, sixteen, fourteen and six.

Q. They live with you?

A. Yes, sir.

Q. Who did your husband die?

A. January, 1939.

Q. How do you make your living?

A. My husband was a World War Veteran of World War #1 and I draw a small compensation.

Q. Pension from the Government of the United States?

A. Yes, widow's pension.

[fol. 32] Q. And that keeps up yourself and family?

A. Yes.

Q. Now, outside of keeping your family, do you have any other occupation that you carry out?

A. An ordained minister of the Bible.

Q. Do you preach the gospel here in Paris?

A. All the time that I can spare from my family?

Q. How long have you been preaching the Gospel here in Paris?

A. Nearly two years.

Q. Nearly two years. How do you preach the Gospel?

A. I go from door to door and also go on the streets with my magazine bag.

Q. From house to house what do you do there?

A. I go from house to house and also with my magazine bag. I go out and visit the homes and I was arrested for preaching the Gospel without a permit from man. This was the first one on the 19th of April and then on May 9, 1941.

Q. In 1941?

A. I would hold the magazines in one hand and the Kingdom News out and was walking around a block, most of the time by the bank on the south side of the Plaza and would hold the Kingdom news out to the people and if they wanted it they would take it.

Q. Did you charge anything?

A. No, sir, gave it away.

Q. You gave it away. For the purpose of the record, you work with a canvas bag with a strap over the shoulder and which reads on it "The Watchtower" and the sign written "The Watch Tower Explains The Theocratic Government, 5¢ per copy". What does the other side read?

A. Reads Watchtower and Consolation.

Q. Five cents per copy?

A. Yes.

Q. And you was- distributing the Watch Tower and Consolation magazines?

A. Yes, sir, and was also carrying some small books.

[fol. 33] Mr. Covington: I would like to introduce the Watch Tower magazine. Judge, I offer that and will have her explain later.

(Defendant's Exhibit No. 1 above referred to is allowed in evidence and is a magazine consisting of sixteen pages entitled The Watchtower enclosed herein and made a part hereof by reference.)

Q. You were also offering Consolation magazine?

A. Yes.

(Defendant's Exhibit No. 2 above referred to is allowed in evidence and is a magazine consisting of thirty-two pages entitled Consolation enclosed herein and made a part hereof by reference.)

Mr. Covington: Here is a magazine, or rather a pamphlet entitled Kingdom News we would like to offer in evidence and have marked as Defendant's Exhibit No. 3.

(Defendant's Exhibit No. 3 above referred to is allowed in evidence and is a leaflet of two pages entitled Kingdom News No. 7 enclosed herein and made a part hereof by reference.)

Q. Mrs. Largent when you went from house to house— you say you preach from house to house? You heard the testimony of Mr. Isaacs who testified as to how this work is done and is that how you would testify if those questions were asked you?

A. Yes.

Q. Explain what literature you used from house to house.

A. Combination of three books, bound books, and these are the three that I remember, also I had some others but don't remember which.

Q. The point is you were calling from house to house with them, one entitled "Deliverance", "Government" and "Enemies" and you were offering those to the people?

A. Yes, three bound books for 35¢.

Q. Three bound books for 35¢ and what do they cost you?

A. Twenty cents apiece.

Q. That is what you pay to the local organization?

A. Yes.

(Defendant's Exhibit No. 4 above referred to is allowed in evidence and is a bound book of 379 pages entitled Enemies enclosed herein and made a part hereof by reference.)

[fol. 34] Mr. Baswell: They cost you 20¢ and you sold them three for 35¢.

Mr. Covington: You lost on that transaction. When you lose on these transactions do you take it out of your pension from the Government?

A. I certainly do.

(Defendant's Exhibit No. 5 above referred to is allowed in evidence and is a bound book of 363 pages entitled Government enclosed herein and made a part hereof by reference.)

(Defendant's Exhibit No. 6 above referred to is allowed in evidence and is a bound book of 379 pages entitled Deliverance enclosed herein and made a part hereof by reference.)

Q. Do you use this book from house to house?

A. Yes.

Q. Explain to the Court how you present that to the people and what it costs, what is contributed and what you receive and what you do?

A. I tell them it is a Bible help, it explains, it is just a text book referring to the Bible and it teaches them to understand the Bible and also to be real American people and as the Bible Says "Train up a child in the way it should go and when it is old it will not depart from it. I tell them when I place the book all about all this.

Q. Do you give the book?

A. Give the booklet "Hope" with the offer.

Q. The booklet "Hope" is offered with that?

A. As a premium.

Q. If they take the book what do you do?

A. Send them little study courses.

Q. What does the postage cost?

A. Four and a half cents.

Q. What does the booklet "Hope" cost?

A. One cent.

Q. Do you ever give away any of the books free?

A. Two this month.

Q. During the year 1941 was it your practice to give away literature?

A. Certainly was and where they were unable from some reason to take it and contribute and wanted to read I did. [fol. 35] Mr. Covington: The defendant offers booklet "Hope" as Exhibit No. 8, which witness says was offered as premium with bound book entitled "Children" and we offer also bound book and ask that it be marked as Defendant's Exhibit #7 and with exhibit #7 you gave the Exhibit #8, known as "Hope" and after they take it you mail the study courses that cost you 4½¢ postage?

A. Yes.

(Defendant's Exhibit #7 above referred to is allowed in evidence and is a bound book of 381 pages entitled "CHILDREN" enclosed herein and made a part hereof by reference)

(Defendant's Exhibit #8 above referred to is allowed in evidence and is a booklet of 62 pages entitled HOPE enclosed herein and made a part hereof by reference)

Q. Do you make profit out of this preaching activity and explain that please.

A. Well, the world calls it loss, but in God's sight I am gaining.

Q. Why do you preach the Gospel in this way?

A. Because the spirit of the Lord God is upon me to preach. In Isaiah 61:1 and 2 "The Spirit of the Lord God is upon me; because the Lord hath anointed me to preach good tidings unto the meek; he hath sent me to bind up the broken hearted, to proclaim liberty to the captives, and the opening of the prison to them that are bound; To proclaim the acceptable year of the Lord, and the day of vengeance of our God; to comfort all that mourn;".

Q. In Isaiah 61:1 and 2. May I ask you, please, if you have any earthly credentials showing that you are an ordained minister of the Watch Tower?

A. Yes, I do, right here.

Q. And this is the card that you presented to people, or one like this?

A. One like this, same thing and this on the back the same thing.

Q. I understand. And this was presented to the people to introduce the book and this is your credentials? This was presented at peoples' homes as you met them?

A. Yes.

[fol. 36] (Defendant's Exhibit #9 above referred to is allowed in evidence and is a card of ordination from the Watch Tower Bible & Tract Society signed by N. H. Knorr, President and Daisy Largent, 400 E. Washington, Paris, Texas, enclosed herein and made a part hereof by reference)

Q. Mrs. Largent, how many times have you been arrested?

A. Four times.

Q. How long have you spent in jail each time?

A. First time ten days in city jail and thirteen days in County jail and next time from first evening to next and the next time 96 hours.

Q. Ninety six hours. Your case in all those have been appealed to this court or some other court?

A. County court.

Q. First one to District Court but all others to the County Court.

A. Yes.

Q. Has your son, Archie, ever been arrested.

A. He's been taken up and arrested five times in this town and charged twice.

Q. Have you brought your children up to follow in the same way you follow?

A. Yes, my greatest responsibility is to do that.

Q. Mrs. Largent, did you know that there was an ordinance in the City of Paris forbidding your work?

A. Just hadn't thought about it had to do this work and didn't think until I was arrested and they told me.

Q. After that they told you you would be arrested and you were you continued?

A. Yes.

Q. Why didn't you quit?

A. To stop doing the work God has commanded would be breaking my covenant.

Q. Is that your idea?

A. Jesus says 'he that taketh a warning saveth his own soul'. In several places in the third chapter and 18th and 19th—

Q. Of what—Ezekiel?

A. Ezekiel and Jeremiah and many others telling what the Lord says.

Q. Any other commands?

A. Matthew 24:14 says "This Gospel must be preached to all the world for a witness, and then shall the end come". [fol. 37] Q. Do you believe that?

A. Yes, I do.

Q. Any other commands?

A. Can't bow down to no man.

Q. Why didn't you discontinue when the authorities told you?

A. Acts 5:29 when the apostles were before courts same as I am today they said that with all boldness they would speak his word and 1 Peter 2:21 says "for even hereunto were ye called; because Christ also suffered for us leaving us an example, that ye should follow his steps".

Q. Are you surprised that you were arrested?

A. No, sir, if it had not come I would have thought something was wrong because the Bible says we will be hated of all nations for His Name's sake.

Q. That's all through the New Testament?

A. Yes.

Q. Do you believe the Bible?

A. Yes.

Q. Do you desire to continue to preach this Gospel here as long as you remain here?

A. Yes.

Q. Did you have those other books there you have before you, did you have those?

A. Yes.

Q. This booklet entitled *God and the State, Judge Rutherford Uncovers the Fifth Column and Loyalty*. What use did you make of those books?

A. I always carry those with me to present to the people. Especially since 1941 it has been that lots of things have been said against us and I couldn't afford to engage in con-

versation on the street, so when one desired I gave it to him and told him to read that to have his questions answered.

Q. You mean this booklet *God and the State* you offered as explanation of what you stand for?

A. To prove that we are not subversive.

Q. You offered that to anybody that questioned you to prove your loyalty?

A. Rather than take up time, on the streets.

Q. Also from home to home?

A. Yes.

[fol. 38] (Defendant's Exhibit No. 10 above referred to is allowed in evidence and is a booklet consisting of 32 pages entitled **GOD AND THE STATE** which is enclosed herein and is made a part hereof by reference)

Q. The booklet "Loyalty" you offered that to anyone on the question of saluting the flag?

A. Yes.

Q. For explanation?

A. To show how a Christian has to stand from the Bible.

Q. This booklet here, use that?

A. To explain why so much mob violence.

(Defendant's Exhibit No. 11 above referred to is allowed in evidence and is a booklet consisting of 32 pages entitled **LOYALTY** which is enclosed herein and made a part hereof by reference)

(Defendant's Exhibit No. 12 above referred to is allowed in evidence and is a booklet consisting of 32 pages entitled **JUDGE RUTHERFORD UNCOVERS FIFTH COLUMN** which is enclosed herein and made a part hereof by reference)

Q. Why didn't you go to the Mayor and ask for a permit for this work if you knew it was required?

A. It would be an insult for me to ask man for a permit to do what Jehovah God, my father, commands me to do.

Q. Any command or authority for that in God's law?

A. Yes, sir. In Exodus 20 "Thou shalt not make unto thee any graven image or any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth: Thou shalt not bow down thyself to them, nor serve them: for I the Lord thy God am a jealous God, visiting the iniquity of the fathers upon the

children unto the third and fourth generation of them that hate me;".

Mr. Baswell: What portion of the Scriptures is that?

Q. What book?

A. Exodus 20:4-5 and there is others.

Q. Mrs. Largent, do you use these books with the Bible in explaining these things?

A. Yes.

Q. Do you conduct studies?

A. I do.

[fol. 39] Q. Do you receive any money or compensation for that?

A. No, sir. All voluntary. I gladly do that to serve Jehovah.

Q. How long have you been one of Jehovah's witnesses?

A. Nearly four years.

Q. How long did you study prior to that? Study the literature preparing for this work?

A. Twenty years, I would say.

Q. Twenty years?

A. I was rather young, but I had studied.

Mr. Covington: Those exhibits, Defendant's exhibits from one to twelve are in evidence. We have offered them and I assume that they are in evidence.

Judge: Harrell: Yes and we will recess for a few minutes.

Cross-examination.

Mr. Baswell:

Q. Mrs. Largent, how old did you say you are?

A. Thirty-nine.

Q. Thirty-nine years old. And are you a native of Texas?

A. Native of Alabama.

Q. Alabama. How long have you been in Texas.

A. About eighteen years, off and on. My husband's health was bad.

Q. Where were you when he passed away?

A. Jacksonville, Texas.

Q. You stated you lived in Little Rock prior to that?

A. Yes.

Q. Engage in this work there?

A. Yes.

Q. How come you to leave Little Rock and come to Texas?

A. I just naturally liked Texas.

Q. Isn't it a fact that while you were in Little Rock they told you that they were going to arrest you if you didn't get out of town? and you left?

A. I stayed until I was free.

Q. How many times were you arrested in Little Rock?

A. One charge.

Q. You came from there to Paris, Texas?

A. Yes.

[fol. 40] Q. And you have been here how long?

A. First of March will be here two years.

Q. You believe in obeying the laws of the State of Texas and of the United States?

A. As long as they don't conflict with God's law.

Q. Do you believe that the laws that are governing the State of Texas and the United States are good laws?

A. Yes sir, when they don't try to make people violate God's law—

Judge Harrell: Answer the question only.

Q. Do you believe that the laws of the State and the United States should be enforced?

A. Yes, I never was arrested until I became a Christian.

Q. Very law-abiding until you became a Christian?

A. Yes.

Q. Since then you have flaunted the law?

A. No. There is nothing wrong with the City Ordinance, but as applied to a Christian it is wrong.

Q. Then a man that is a sinner is in bad shape with the law?

A. Christians obey God's law in the Bible and obey all man's laws that don't conflict with God's, but where man and God conflict I have to obey God.

Q. Your attitude is this—that the laws are made for those people who are not Christians and those who are Christians are persecuted and arrested, those that are not persecuted don't come in?

A. No; in Almighty God's sight—

Q. I'm asking you if that is your attitude in this matter?

A. I obey all laws that don't conflict with God's law and I'm willing to do it. I don't have to be forced.

Q. You say you have been charged in the City of Paris four times. Were you ever talked to and admonished by the officers of the city to comply with the ordinance of the City that was in effect at that time before they ever arrested you.

A. They told me that would arrest me, but I can't listen to man I have to listen to Almighty God.

Q. What is wrong with going to the Mayor and getting a permit, which you could have done?

[fol. 41] A. That would be asking man to do what Almighty God has said I have to do and it would mean my everlasting destruction.

Q. You read a passage of scripture from the old testament.

A. I read some from the Old and from the New.

Q. Some from the Old Testament?

A. Yes.

Q. Do you believe the Old Testament is part of the Bible and should be lived up to?

A. Yes.

Q. Do you believe the old Mosaic law was a good law?

A. Well, parts of it is made for a prototype of what was coming to pass.

Q. Mrs. Largent, isn't it a fact that you can take the Bible and pick out many portions to prove anything?

A. No, sir, if you are honest, you can't. He said that those were wrote for a schoolmaster for us.

Q. That doesn't have anything to do with it. You believe in being loyal?

A. Yes.

Q. Are you loyal to the Government of the State of Texas?

A. Yes.

Q. Believe in loyalty to all the laws?

A. As long as they are good laws.

Q. Do you believe in loyalty?

A. Loyalty, yes. And here is a book that—

Q. If you do, why, when they requested you kindly and nicely to go to the Mayor and get a permit why didn't you and go on about your preaching?

A. I just told you that that would mean my everlasting destruction to ask man to do what God commands me to do. And the Apostle Paul said in Acts 5:29, when that was what they was trying to get them to do "we ought to obey God

rather than man" and "whether it be right in the sight of God to hearken unto you more than unto God, judge ye" and that is why He said "ye shall be hated of all nations for my names' sake".

Q. That is the attitude there and that is the situation, that you have now with reference to all the laws and all the government and everything else. No laws man made are any good.

A. All earthly laws are man-made and God is the supreme judge and he is above everything else. [fol. 42]

Q. Let's don't argue about that. You just stated -while ago in being loyal to the laws that are in force?

A. As long as they are just laws and don't ask me to do something that God says I can't do.

Q. Did God tell you that you didn't have to go down and get a permit?

A. Told me if I did that I was not obeying Him.

Q. Oh, he did?

A. In the Scriptures.

Q. When did he tell you that?

A. When I got an understanding from a study of the scriptures. He says "woe is me if I preach not the Gospel".

Q. He told you then, in the Bible, to disobey the ordinance of the City of Paris with reference to the license in the avocation which you were pursuing? Is that right?

A. I will read you a Scripture when I find it in just a minute.

Q. Who picked those out?

A. I picked them out and I have just had the headache for over a month and can't think very well.

Q. Did it give you a headache when they put you in jail?

A. I was expecting that.

Q. You were expecting; that is the reason why you didn't obey the laws of the City of Paris. You expected to be arrested, defied the ordinance and the officers?

A. I didn't know I would be arrested. There is lots of towns who love justice and I didn't know I was going to be arrested no more than I knew it in Little Rock. I knew it wasn't from anything I would do that I would be arrested but just because I preached the Gospel.

Q. They gave you an opportunity to pursue your avocation by just merely complying with just a little ordinance that asked for a permit.

A. As our Bill of Rights says "no man or group of men can make a law that will take away our freedom to worship God like we want" and it be a good law.

Q. You are talking about man's orders—who wrote the Scriptures?

A. The Holy prophets, Apostles and God directed them to write and, of course, He directed Christ Jesus to teach [fol. 43] His followers and that is the way from Almighty God and that is what we follow.

Q. How many versions of the Bible are there?

A. Several, I can't name them. Majority of the people use the King James.

Q. Who was King James?

A. He was an Apostle.

Q. So that is the King James version and that is the Bible that you are quoting to this court to justify your not taking at least five minutes of your time to go down and get a permit!

A. You don't believe in the Bible!

Q. How do you know I don't.

A. You don't show you do.

Q. I am not going to argue, but I want you to answer my question with reference to filing for a permit and you don't have to quote Scripture.

Judge Harrell: Mrs. Largeint, you must answer the question please, yes or no.

A. No, I can't answer.

Mr. Baswell: That is all.

Redirect examination.

Mr. Covington;

Q. You say you are one of the parties that got the injunction in Little Rock?

A. Yes in 1940 in Little Rock.

Q. In Federal Court?

A. Yes.

Q. Against enforcement of an ordinance?

A. Yes. May I say this Judge—

Judge Harrell: Let him ask questions and you answer.

Q. Will you please tell me whether or not at any time you called at the homes of anybody in Paris and they were offensive or antagonistic?

A. At all homes I was in friendly conversation.

Q. Tell us of instance on this arrest, what you were doing? With anyone?

A. I had met a good-will person who was nice and she was asking about things and we were talking.

Q. Ask you to come in?

A. Yes and I was inside with my back to the door.

[fol. 44] Q. Tell what happened?

A. Officer Taylor came to the door and we heard some call and I thought, and she thought, too, that he was calling for the lady of the house and he told her that he wanted me and then Officer Taylor asked me what I was doing and I told him I was preaching the Gospel and offered him the literature and asked him to read some of it and he told me that he would be afraid to and I would have to come with him. I asked if I was under arrest and he said, yes, come with him. I asked for credentials to show he was an officer because he didn't have a uniform on.

Q. If anyone is not interested in the books you were distributing did you try to force them to take them?

A. I thanked them for their time and turned around and left.

Q. Did you ever have an argument because they wouldn't listen?

A. No, sir. I have no time to spend arguing to people.

Recross-examination.

Mr. Baswell: How come Officer Taylor to come down where you were?

A. Someone called him. It wasn't the lady of the house or none of her family. I had been going from door to door.

Q. What right did you have to question his authority as an officer?

A. Not any except I did think he should show me his badge and that as an American citizen I should know whether he was an officer or not before I went with him.

Q. You stated because he was not in uniform that you asked him that?

A. Yes.

Q. Did you know a uniform was part of the ordinance of the city of Paris? It might be that he was complying with the ordinance?

A. I just told you that I have nothing against the ordinance. We have to have law and order.

Q. Now then, Mrs. Largent, I believe you stated you would offer for sale—

A. No, sir.

Q. We meant that you would offer for sale, that you would offer for sale those magazines offered by your attorney as exhibits:

A. If they came along and offered me 5¢ and if they wanted to read it I would give it to them.

[fol. 45] Q. You gave it to who?

A. I don't know them by name.

Q. How many did you give away?

A. It would be hard to try to count, an average of three magazines a week.

Q. Gave away three magazines a week. How many did you average selling?

A. I think when I was arrested that I had gotten contributions for one magazine.

Q. You don't call it a sale, you call it a contribution?

A. Yes.

Q. You go down here to a store and see an article advertised for 5¢, you don't have to buy it?

A. They certainly wouldn't give it to me.

Q. Suppose they did just make you a present, they would be doing the same thing you would, advertising their wares for sale and if you didn't buy it if they wanted to give it it would advertise for them.

A. Mine is a Christian and a charitable work.

Q. We've got to get down to the legal part of this thing. You say you didn't know why the officer came down?

A. Not at the time.

Q. Know whether he had any other business?

A. At the time of my trial it showed some man called him to have me arrested.

Q. What was his name?

A. He runs a radio shop. His name has slipped my mind.

Q. Radio shop where?

A. Don't know just where it was.

Q. What street was it on?

A. Don't know.

Q. Don't know!

A. It is on record. It is hard to remember over a year.

Q. Hard to remember?

A. Over a year.

Q. You remember very distinctly that you were arrested four times for violating this ordinance?

A. Yes.

[fol. 46] Q. How many times were you warned?

A. Don't remember.

Q. Who warned you?

A. An officer on the street told me that I could put them out in the cars and in the stores but not on the streets.

Q. Do you know Jack Reeves?

A. Not at that time.

Q. Did Jack Reeves ever talk to you?

A. He told me if I didn't quit my work I would be arrested.

Q. Did he put it to you that way?

A. He left God's laws out of it.

Q. Did he ask you to abide by the ordinance?

A. He said they would keep arresting me as long as I kept working.

Q. Did he ever say anything to you before he arrested you?

A. Mr. Reeves was not the Chief of police.

Q. When was you first arrested?

A. Chief Walters was chief.

Q. Mr. Walters ever told this to you?

A. He got mad at me.

Q. Did you get mad at him?

A. No, sir. I am not angry with any individual. I have tried to explain why I have to do this work.

Q. Ever have conversation with any officials prior to arrest?

A. No.

Q. Never ask you to get a permit?

A. No.

Q. Never told you you would have to have a permit to go on with your avocation of selling?

A. No.

Q. That is what you were doing?

A. I was giving them away.

Q. Taking what they would give you and told them what you wanted?

A. They would say 'I wish I had one of those' and I would let them have it.

Q. But when you went out with those books and pamphlets you got the 25¢ for these?

[fol. 47] A. If they asked me what I wanted I said that they could contribute a Nickel or any amount you have to offer.

Q. Contribute?

A. Yes.

Q. When they didn't care to contribute did you leave books?

A. When they wished to read and wanted them I did.

Q. Go back and pick them up again?

A. Seldom ever. Some times they offer them back, but seldom ever get any back.

Q. Give them to someone else, somebody able to read and be instructed?

A. The majority give them themselves so I don't have to.

Q. Now, Mrs. Largent, you have told us all you know about this case and what led up to it?

A. I have. You might have some more.

Q. If it was a fact that Grover Taylor talked to you before he arrested you and told you to get a permit, why didn't you?

A. Suppose he did, but any way as I explained, I could not get one.

Q. You told him you wouldn't do it?

A. I told him I couldn't do it.

Q. You couldn't?

A. I have to obey the higher powers, which are Almighty God and Christ Jesus.

Q. You obey those in preference to any laws of the United States, State of Texas or any other state?

A. I can't submit to man-made laws instead of God's.

Q. What about the Constitution, is that man-made?

A. It was written by Christian men and as near right as men could make it and I would like to see that government last until Christ's begins, but in Mississippi it hasn't and in some towns.

Q. The Constitution is man-made, what you are getting behind and that you are endeavoring to invoke is a man-made instrument.

A. They followed God's law in that the men wrote into it that God's law is supreme and that in no manner could this ordinance down freedom of speech or the press.

[fol. 48] Q. Where does it down freedom of speech and press when they ask you to just get a permit?

A. If they force me to ask for that, isn't that a forced issue instead of a free one?

Q. Alright then, wasn't the Constitution a sort of forced issue?

A. They wrote into that Constitution that God would be above everything else.

Q. No other?

A. For law-breakers, but I am not a criminal. I am here because I am law-abiding.

Q. Law-abiding because you have broken the laws of the City of Paris?

A. No the laws of the Constitution and Jehovah God.

Q. Do you know you have not violated the laws of the Constitution?

A. I know that I have not.

Mr. Covington: That is the defendant's case, your Honor, we rest.

Mr. Baswell: The State will ask for Mr. Grover Taylor to get on the Witness stand.

GROVER TAYLOR, witness for plaintiff, having been duly sworn, did testify as follows:

Direct examination:

Mr. Baswell: Your name is Grover Taylor?

A. Yes.

Q. You are City Patrolman?

A. Yes.

Q. You were city patrolman on or about the first of June, 1941?

A. Yes.

Q. Who was City Marshall at that time?

A. Jack Reeves.

Q. Do you know Mrs. Daisy Largent?

A. Yes.

Q. Where did you first become acquainted with her?

A. Knew Mrs. Largent here on the streets for some time.

Q. Had you seen her on the streets prior to June 11th, 1941?

A. Yes, I had seen her.

[fol. 49] Q. Had any conversation with her?

A. Can't call to mind.

Q. Remember the day you arrested her?

A. Don't remember. Remember the occasion.

Q. What was the occasion of your being down there at that particular time and where? Remember whose home it was?

A. It was on Brown Avenue.

Q. To refresh your memory, was it Mrs. H. J. Bayes?

A. Yes.

Q. What was the occasion of your being down there at

A. Someone called the police and said someone was putting out literature and to pick them up because they didn't have any permit.

Q. Did you have any conversation about the permit?

A. I asked if she had a permit.

Q. Did she say she didn't have one.

A. Yes.

Q. Was there any request made by you at that time with reference to getting a permit?

A. Can't say was or wasn't.

Q. What did she say to you with reference to a permit?

A. Said she didn't have one.

Q. Didn't have?

A. No.

Q. Did she tell you she wasn't going to get one?

A. Said she didn't have to have a permit, she told me that.

Q. Do you know whether or not that she had ever been warned with reference to distribution of literature before arrested?

A. Well, I don't know, but seems like she had been told before that she would have to get one. Not sure, but she had been warned. Reeves warned her.

Q. You know Walters?

A. Yes.

Q. Was he Chief of Police or City Marshall?

A. Yes.

Q. Do you know whether or not she had been warned during Mr. Walter's administration?

[fol. 50] A. No, I wasn't working at that time.

Mr. Covington: We have no questions.

Mr. Baswell: State rests.

Mr. Covington: The defendant rests and we close our case at this time.

• • • • • Testimony Closed Here • • • • •

ORDER OVERRULING MOTION FOR JUDGMENT

Mr. Covington: The defendant wishes to file a motion at the close of this case for a Judgment of Acquittal and finding of Not Guilty.

(The defendant at this point filed a motion for a Judgment of Acquittal and Finding of Not Guilty, which was argued by Counsel and at the conclusion of argument overruled by Court. Exception taken and allowed.)

• • • Mr. Covington Argument • • •

• • • Mr. Baswell • • • Argument • • •

—I want these people to have their day in the higher courts and let the higher courts pass on this matter and that should be no reflection on this court because the Court of Criminal Appeals has held many ordinances unconstitutional; but before they will have the right to appeal to the Court of Criminal Appeals, the fine has to be over and above \$100.00 and I suggest this Court to fix the fine in any amount in the judgement of the Court so that they will have the right to appeal to the Court of Criminal Appeals.

HONORABLE JUDGE HARRELL • • • DECISION

Mrs. Largent, being a church worker myself, I believe in freedom of the press, freedom of speech, and religious liberties as much as *any* person in the earth. If you had applied to the city for a permit and they had refused to give you a permit to carry on your work, you could have come into this Court with a better case. You have my sympathy and I trust that the higher court, the court of appeals at Washington, will give you the right you long for. This Court will have to sustain the lower court in this case. Guilty—\$100.00 fine and costs.

Mr. Covington: But Judge, that is not enough to permit us to take the case to the Court of Criminal Appeals, the fine must be more than \$100.00 to allow that.

Judge Harrell: The judgement is going to stand at \$100.00 and costs.

Mr. Williams: Note our exception to the ruling of the Court.

[fol. 51]

STIPULATIONS

It is agreed and stipulated between counsel for the State and Counsel for the Defendant that there is now pending on the docket of the County Court of Lamar County, Texas, eleven other cases involving the same offense and covered by the same ordinance as the case at bar and that said offenses are alleged to have been committed by a number of other members of the organization of Jehovah's witnesses and it is agreed and stipulated that these cases shall be continued from day to day and from term to term pending the final disposition of this case in the Supreme Court of the United States.

J. M. Braswell, Attorney for the State; Hayden C. Covington, Tom S. Williams, Attorneys for the Defendants.

Approved and ordered to be filed as a part of the record in this cause, this 9 day of November A. D. 1942.

Eugene F. Harrell, County Judge, Lamar County, Texas.

[fol. 52] Reporter's Certificate to foregoing transcript omitted in printing.

AGREEMENT AS TO STATEMENT OF FACTS

We, the undersigned, counsel for plaintiff and defendant, respectively, hereby agree that the above and foregoing is a true and correct statement of all the material facts adduced in evidence upon the trial of Cause No. 2200-B, styled State of Texas vs. Daisy Largent, tried in the County Court of Lamar County, Texas, at the November, Term, 1942, thereof.

J. M. Braswell, Attorney for Plaintiff; Hayden C. Covington, Tom S. Williams, Attorneys for Defendant Daisy Largent.

ORDER APPROVING STATEMENT OF FACTS

The above and foregoing having been examined, I hereby approve the same as a true and correct statement of all the material facts adduced in evidence upon the trial of Cause No. 2200-B, State of Texas vs. Daisy Largent, tried in the County Court of Lamar County, Texas, at the November Term, 1942, thereof.

Eugene F. Harrell, Judge, County Court, Lamar County, Texas.

[fol. 53-54] Clerk's Certificate to foregoing statement of facts omitted in printing.

[fol. 55] IN COUNTY COURT OF LAMAR COUNTY, TEXAS

No. 2200 B

THE STATE OF TEXAS

versus

DAISY LARGENT

FINAL JUDGMENT OF CONVICTION—November 2, 1942

On the 2nd day of November, 1942, came on to be heard the above entitled and numbered cause and came the State of Texas by her County Attorney and the defendant in person and by her attorneys, and both sides announced ready for trial. It appears that this is an appeal from the Corporation Court of Paris, Texas and that this court has jurisdiction of the appeal and the subject matter of this case. Thereupon the defendant expressly waived a jury and pleaded not guilty.

The Court having heard the complaint read, the defendant's plea of not guilty thereto; the evidence and argument of counsel, is of the opinion that the defendant is Guilty and assess her punishment at a fine of One Hundred Dollars (\$100.00) and costs incurred in this case.

It is therefore Ordered, Adjudged and Decreed by the Court that the defendant, Daisy Largent, be remanded to the Custody of the Sheriff of Lamar County, Texas; and that she remain there until all of said fine of \$100.00 and

costs have been paid, to which action and judgment of the court defendant duly excepted in open court and gave notice of her intention to take an appeal to the United States Supreme Court at Washington, D. C.

Done at Paris, Lamar County, Texas, on this the 2nd day of November, A. D. 1942.

Eugene F. Harrell, Judge of the County Court of Lamar County, Texas

[fol. 55a] IN COUNTY COURT OF LAMAR COUNTY, TEXAS

[Title omitted]

Petition for appeal, Statement, Assignments of Error and Prayer for Reversal—Filed November 9, 1942.

PETITION FOR APPEAL

Considering herself aggrieved by the final decision of the County Court of Lamar County, Texas, in the above entitled cause, the appellant herein, Daisy Largent, hereby prays that an appeal be allowed to the Supreme Court of the United States herein, and for an order allowing same and fixing the amount of the bond thereon.

STATEMENT

This case is one in which the validity of state legislation is drawn in question to-wit, an ordinance of the city of Paris, Texas, known as Ordinance No. 612, reading as follows:

An ordinance regulating the soliciting of orders for books, wares, merchandise or household articles of any character whatsoever and the sale of books, wares, merchandise or household articles of any character whatsoever, the canvassing and census taking in the residence district of the City of Paris, providing for the issuance of a permit by the Mayor prescribing penalties and declaring an emergency.

Be It Ordained by the City Council of the City of Paris:

Section 1:

From and after the passage of this ordinance it shall be unlawful for any person, firm or corporation to solicit or

ders for books, wares, merchandise or any household article of any description whatsoever within the residence portion of the City of Paris, or to sell books, wares, merchandise or any household article of any description whatsoever within the residence district of the City of Paris, or to canvass, take census without first filing an application in writing with the Mayor and obtaining a permit, which said application shall state the character of the goods, wares or merchandise intended to be sold or the nature of the canvass to be made, or the census to be taken, and by what authority. The application shall also state the name of the party desiring the permit, his permanent street address and number while in the city and if after investigation the Mayor deems it proper or advisable he may issue a written permit to said person for the purpose of soliciting, selling, canvassing or census taking within the residence portion of the city which permit shall state on its face that it has been issued after a thorough investigation.

[fol. 55b] Section 2:—

The issuance of such permit by the Mayor shall not confer upon the holder thereof any rights to enter any residence contrary to the wishes of the owner or occupant of same and the holder of any such permit shall be respectful and considerate in dealing with the occupants of the residences and on complaint of any person this permit may be revoked and cancelled by the Mayor.

Section 3:—

The issuance of this permit shall not be held to confer any right on the holder thereof to peddle or sell merchandise without first obtaining a peddler's license and paying the fee therefor.

Section 4:—

Any person, firm or corporation violating any or all of the provisions of this ordinance or who attempts to solicit for the sale of books, wares, merchandise or any household article whatsoever or to sell any of the same or to canvass or to take census within the residence district of the City of Paris without first obtaining a permit from the Mayor shall be deemed guilty of a misdemeanor and on conviction thereof in Corporation Court, be fined in any sum not less than \$5.00 or more than \$200.00.

Any person having a permit to solicit, sell canvass or take census within the residence district of the City of Paris who shall become abusive or act in an over-bearing or insulting manner to any of the occupants or owners of the residences within said City shall be deemed guilty of a misdemeanor and on a conviction thereof in Corporation Court be fined in any sum not less than \$5.00 or more than \$200.00.

The fact that the housewives and occupants of residences within the City of Paris are annoyed and harassed by indiscriminate canvassing, census taking, etc., and that there is no ordinance at present covering same, creates a public emergency, requiring that the rules and charter provisions prohibiting the passage of an ordinance at the meeting introduced requiring same to be submitted to a committee, be suspended and the same is accordingly done and this ordinance will take effect from and after the date of its approval by the Mayor.

* Adopted 11/26/17.

Ayes 4—Nays 0.

Said ordinance was duly passed and approved by the City Council by the City of Paris and was in force and effect at the time of the offense alleged in the complaint. Said ordinance is drawn in question upon the ground that it is repugnant to the First and Fourteenth Amendments to the United States Constitution. The County Court of Lamar County, Texas, is the court of last resort in this cause in the State of Texas in which a decision of that court could be had and the decision of that court is in favor of the validity of said ordinance.

[fol. 55c] The County Court of Lamar County, Texas, became the court of last resort in this cause by reason of the fact that this criminal action originated in the Corporation Court of the City of Paris and was duly appealed to the County Court of Lamar County where the cause was tried on appeal *de novo*, and the fine assessed against the appellant did not exceed the sum of \$100.00. Under Article 53 of the Code of Criminal Procedure in such circumstances an appeal cannot be had to the Court of Criminal Appeals of Texas, the highest appellate court of criminal cases in Texas, and said judgment is final.

Therefore in accordance with the rules of the Supreme Court of the United States (Rule 46, paragraph 2) and 28 U. S. C. sec. 344 and 354 and Section 237 (a) of the Judicial

Code, the appellant respectfully shows this Court that the case is one in which, under the legislation in force when the Act of January 31, 1928 (45 Stat. L. 54) was passed, to wit, under Section 237 (a) of the Judicial Code (28 U. S. C., s. 344), a review could be had in the Supreme Court of the United States on a writ of error as a matter of right.

The County Court of Lamar County, Texas, court of last resort in this cause, rendered its decision and final judgment herein on the 2nd day of November, 1942 and the same has been duly entered of record.

ASSIGNMENTS OF ERROR

Now comes the appellant in the above cause and files herewith, together with his petition for appeal, these assignments of error and says that there are errors committed by the court below in the record and proceedings of the above entitled cause, and for the purpose of having the same reviewed in the United States Supreme Court, makes the following assignments:

[fol. 55d] First. The County Court committed reversible error in failing to hold that said ordinance is void on its face because it is in excess of the police power of the State of Texas or the City of Paris and the means employed have no reasonable relation to the police powers of the city or state nor do the ends aimed at by the ordinance justify the means employed by the ordinance, therefore it is unreasonable and deprives defendant of her property and liberty without due process of law and equal protection of the law, al-contrary to the Constitution of the United States, Fourteenth Amendment, Section 1.

Second. The County Court committed reversible error in failing to hold that said ordinance is void on its face because by its terms it expressly abridges the people's inherent and unalienable rights of freedom of communication, freedom of speech and of press, all contrary to the First and Fourteenth Amendments to the United States Constitution.

Third. The County Court committed reversible error in failing to hold that said ordinance is unconstitutional and void as construed and applied to the facts and circumstances developed in the evidence because it abridges the defendant-appellant of her rights of freedoms of assembly, speech,

press, and her right to worship Almighty God Jehovah by serving as His ordained minister preaching the Gospel of God's Kingdom, all of which rights are denied contrary to the First and Fourteenth Amendments to the United States Constitution.

Fourth. The County Court committed reversible error, in failing to hold that the ordinance was void on its face because it confers arbitrary and discriminatory powers upon mayor of the City of Paris in that there is no instruction or limitation upon the exercise of his unlimited discretion conferred in the Mayor to grant or refuse permits that may be issued under the ordinance. Therefore it denies defendant appellant of her liberty and property without due process of law and equal protection of the laws contrary to the Constitution of Texas and the Fourteenth Amendment to [fols. 55e-70] the United States Constitution.

Fifth. The County Court committed reversible error in overruling appellant's motion to quash the complaint.

Sixth. The County Court committed reversible error in overruling appellant's motion for a finding of not guilty and for a judgment of acquittal.

Seventh. The County Court committed reversible error in rendering and entering judgment against appellant.

PRAYER FOR REVERSAL.

For and on account of the above errors, the appellant, Daisy Largent, prays that the said judgment of the County Court of Lamar County, Texas, hereinbefore described in the above entitled cause be reviewed by the Supreme Court of the United States and reversed, and a judgment rendered in favor of appellant and for her costs.

Hayden C. Covington, Attorney for Appellant, 117 Adams Street, Brooklyn, New York. Tom S. Williams, Sterling Building, Sulphur Springs, Texas, Attorneys for Appellant.

[fcl. 71] Citation in usual form showing service on Appellee, filed Nov. 9, 1942, omitted in printing.

[fol. 72] IN COUNTY COURT OF LAMAR COUNTY, TEXAS

[Title omitted]

ORDER ALLOWING APPEAL—Filed November 9, 1942

Appellant, Daisy Largent, in the above entitled suit and cause has prayed for the allowance of an appeal in this cause to the Supreme Court of the United States from the judgement made and rendered by the County Court of Lamar County, Texas on November 2, 1942 and duly entered of record in the Criminal Minutes of this court.

It appearing that the appellant in her motions and argument of counsel made in her behalf in this cause attacked the ordinance in question on the grounds, as contended by her, that it was void on its face and in excess of the police power and because it conferred arbitrary and discriminatory power upon the Mayor of Paris and is unreasonable and that as construed and applied it was violative of the fundamental freedoms guaranteed and secured by the First and Fourteenth Amendments to the United States Constitution and for those reasons violated the Constitution of the United States. All of these contentions were overruled by the decision and judgment of this court rendered herein.

It appearing that appellant has presented and filed her petition for appeal to the Supreme Court of the United States, a statement, assignments of error and prayer for reversal and jurisdictional statement, all within three (3) months from date of said final judgment of the County Court, the court of last resort in Texas under which a decision can be had in this cause, pursuant to the statutes and rules of the Supreme Court of the United States in such case made and provided,

[fol. 73-79] It is Now Here Ordered that an appeal be and the same is hereby allowed to the Supreme Court of the United States from the judgment of the County Court of Lamar County, Texas, in the aforesaid cause as provided by law, and

It is Further Ordered that the Clerk of the County Court of Lamar County, Texas, shall prepare and certify a transcript of the record, stipulation of the evidence together with all exhibits in their original form incorporated by reference, the proceedings and judgment in the said cause and transmit the same to the Supreme Court of the United

States so that he shall have the same in said Court within twenty (20) days from this date.

And it is Further Ordered that a bond on appeal for appearance and costs on appeal be fixed in the sum of Five Hundred Dollars (\$500.00) and appellant having presented an undertaking conditioned as required by law in the sum of Five Hundred Dollars (\$500.00) executed by good and sufficient sureties, it is further ordered that such undertaking or bond be and the same is hereby approved and ordered filed.

It is Further Ordered that the issuance of writs of habeas corpus be stayed pending a final disposition of this appeal and until the return of the mandate from the United States Supreme Court.

Done at Paris, Lamar County, Texas, on this the 9 day of November, A. D. 1942.

Eugene F. Harrell, Judge of County Court of Lamar County, Texas.

[fol. 80] Clerk's Certificate to foregoing transcript omitted in printing.

[fol. 81] SUPREME COURT OF THE UNITED STATES

STATEMENT OF POINTS RELIED ON—Filed December 1, 1942

Comes now appellant, Daisy Largent, in the above entitled cause and states that the points upon which she intends to rely in the Supreme Court of the United States in this cause are as follows:

Point 1. The ordinance in question, both on its face and as construed and applied to appellant, is violative of the federal constitution in that it abridges appellant's freedoms of speech, of press and of worship of Almighty God according to the dictates of her conscience and as commanded by Jehovah God, all contrary to the First and Fourteenth Amendments to the United States Constitution.

Point 2. The ordinance in question is void upon its face because by its terms it is in excess of the police power of the State of Texas and the City of Paris and is unreasonable and arbitrary in the means employed which have no reasonable relation to the ends aimed for nor the police

powers of the state and by reason thereof it violates the due process and equal protection clauses of the Fourteenth Amendment to the United States Constitution.

Point 2. The ordinance is void on its face because it confers arbitrary and discriminatory powers upon the mayor of the city of Paris in that there is no instruction or limitation upon the exercise of his unlimited discretion conferred in the Mayor to grant or refuse permits that may be issued under the ordinance. Therefore it denies defendant appellant of her liberty and property without due process of law and equal protection of the laws contrary to the Constitution of Texas and the Fourteenth Amendment to the United States Constitution.

[fol. 82] For the above reasons the judgment of the Lamar County Court of Texas should be reversed.

Hayden C. Covington, 117 Adams Street, Brooklyn, New York; Tom S. Williams, Sterling Building, Sulphur Springs, Texas, Attorneys for Appellant.

[fol. 82a] [File endorsement omitted.]

[fol. 83] UNITED STATES SUPREME COURT

DESIGNATION OF PARTS OF THE RECORD TO BE PRINTED—Filed December 17, 1942

To the Clerk of the Supreme Court of the United States:

You will please print each of the documents designated below, contained in the above captioned case now on file with your office, forwarded to you by the Clerk of the County Court of Lamar County, Texas, to wit:

1. The complaint and all other papers from the Corporation Court filed in the said County Court.
2. Docket entries of the County Court.
3. Motion to quash the complaint filed in the County Court.
4. Order overruling the motion to quash.
5. Motion for Judgment of Acquittal and finding of Not Guilty.
6. Order of the County Court overruling motion for judgment.

7. Reporter's Statement of Facts containing the evidence.
8. Judgment of Conviction.
9. Petition for allowance of appeal to the Supreme Court [fol. 84] of the United States, Statement, Assignments of Error and Prayer for Reversal.
10. Citation signed by the Judge of the County Court.
11. Order allowing appeal to the Supreme Court.
12. Statement of Points to be relied upon.

Dated, December 16, 1942.

Hayden C. Covington, Attorney for Appellant.

PROOF OF SERVICE

STATE OF NEW YORK,
County of Kings, ss:

Hayden C. Covington, being sworn, says that he is attorney for appellant in the above entitled cause; that he served a copy of the within Designation of Parts of the Record to be Printed on appellee's counsel by depositing said copy, securely enclosed in a sealed wrapper addressed to the County Attorney for Lamar County, Paris, Texas, and with postage fully prepaid therefor, in a United States Post Office at the City of New York on the date hereinafter written.

Hayden C. Covington.

Sworn to and subscribed before me this 16th day of December, 1942. William K. Jackson, Notary Public. Notary Public Kings County. Kings Co. Clks. No. 73, Reg. No. 3005. Commission expires March 30, 1943. (Seal.)

[fol. 84a] [File endorsement omitted.]

[fol. 85] **SUPREME COURT OF THE UNITED STATES**

**ORDER POSTPONING FURTHER CONSIDERATION OF THE QUESTION
OF JURISDICTION—December 21, 1942**

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of jurisdiction is postponed to the argu-

ment on the merits. Counsel are requested to discuss in their briefs and on the oral argument whether under the law and practice of Texas the judgment can be fully reviewed on this record by a higher state court by habeas corpus or other proceedings.

Endorsed on cover: File No. 47,060. Texas County Court, Lamar County. Term No. 559. Daisy Largent, Appellant, vs. The State of Texas. Filed December 1, 1942. Term No. 559, O. T. 1942.

(4140)